

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) ROBERT BALES and	)	
(2) DANIELLE BALES,	)	
	)	
Plaintiffs,	)	
	)	
-vs-	)	Case No. 22-CV-00851
	)	
(1) STATE FARM FIRE AND	)	
CASUALTY COMPANY,	)	
	)	
Defendant.	)	

\* \* \* \* \*

DEPOSITION OF ROBERT BALES  
TAKEN ON BEHALF OF THE DEFENDANT  
TAKEN AT 525 SOUTH MAIN STREET  
TULSA, OKLAHOMA  
JULY 21, 2023

\* \* \* \* \*

BALLARD REPORTING  
611 WEST 15TH STREET, C-3  
TULSA, OKLAHOMA 74127  
(918) 407-2278  
ballardreporting@gmail.com

\* \* \* \* \*

REPORTED BY: ASHLEY BALLARD, CSR

1 Q. What did you review?

2 A. My notes. Some of those other documents that --

3 Q. The discovery responses?

4 A. Yeah, some of those.

5 Q. When you say your notes, what are your notes?

6 A. Just my best recollection.

7 Q. Did you keep a diary in this claim?

8 A. No. No.

9 Q. So what are these notes? Are they in the computer?  
10 Are they written down?

11 A. They're just written down on a piece of paper.

12 Q. Did you write these notes down contemporaneously as  
13 things were going on or did you go back at some  
14 point and try to put an outline together?

15 A. I suppose probably a little bit of both.

16 Q. When is the last time you made a note? Is this  
17 just one document?

18 A. Yeah, it's just a couple of notes.

19 Q. When is the last time you put an entry in that?

20 A. When the adjuster, for the second time, finally got  
21 up on the roof. J.R. Phillips and the other  
22 adjuster, they were playing good cop/bad cop,  
23 yelling, and that was the last -- that was the last  
24 note that I made.

25 Q. So all pre-litigation?

1 Q. It's not unreasonable to investigate a claim;  
2 correct?

3 MR. LAWSON: Object to the form.

4 A. No. I think it's under investigated.

5 Q. (By Mr. Brown) You would agree with me it's not  
6 unreasonable to investigate a claim. If somebody  
7 makes a claim, you should investigate that claim?

8 A. Yes, you should. You should.

9 Q. And you would agree with me it's not unreasonable  
10 for people to have differences of opinions; true?

11 A. Correct.

12 MR. LAWSON: Object to the form.

13 Q. (By Mr. Brown) And you understand in this case we  
14 do have a difference of opinion as to what is  
15 damaged on your roof?

16 MR. LAWSON: Object to the form.

17 A. Correct.

18 Q. (By Mr. Brown) The PA thinks you have hail damage  
19 to your roof and State Farm says we don't see hail  
20 damage to your roof. That's the premise. Is that  
21 your understanding?

22 MR. LAWSON: Object to the form.

23 A. Yes.

24 Q. (By Mr. Brown) Do you believe that a disagreement  
25 on a claim is a breach of contract or is acting in

1 A. True.

2 Q. But the mere fact that there's a disagreement, how  
3 does that -- how do you indicate that they failed to  
4 properly evaluate just because there's a  
5 disagreement?

6 I understand you don't agree with what State  
7 Farm's position is, but how did they fail to  
8 properly evaluate or fail to properly inspect your  
9 roof? Is there something else they should have done  
10 they didn't do?

11 A. You know, when you have several experts with the  
12 same opinion, that the damage is caused by wind and  
13 hail, and from what I understand, that State Farm is  
14 not even following their little pamphlet of what a  
15 hail strike looks like and -- it just -- as a  
16 homeowner, that I think would strike anyone as not  
17 properly evaluating, you know, the roof.

18 Q. And when you use the term expert, are you referring  
19 to Ms. Meadows as a roofing expert?

20 A. And my roofer.

21 Q. And the OCR guy?

22 A. Yes.

23 Q. As roofing experts?

24 A. Yes, and --

25 Q. What about, on the other side of that argument, the

1 A. Fair enough.

2 Q. But I'm asking you, do you consider the people who  
3 said there is no hail damage to the roof itself as  
4 experts, or they're not experts? That's the only  
5 thing I was asking.

6 A. I don't know.

7 Q. Okay. We talked about punitive damages earlier.  
8 Do you recall that --

9 A. Yes.

10 Q. -- discussion with your wife?

11 A. Uh-huh.

12 Q. Are you asking this jury to punish State Farm for  
13 its difference of opinion about the damage to your  
14 roof?

15 MR. LAWSON: Object to the form.

16 A. I believe it's more than just a difference of  
17 opinion, because State Farm is not even following  
18 their own protocols. They have a pamphlet and  
19 trainings for their individuals that show what a  
20 hail-damage strike is supposed to look like and  
21 they're not even following their own protocols.

22 Q. (By Mr. Brown) What's that based off of?

23 A. State Farm's information, their own materials.

24 Q. You say a pamphlet. Do you have a pamphlet from  
25 State Farm?

1 in her deposition, the various subparts?

2 A. Uh-huh.

3 Q. Failing to properly investigate, withholding  
4 benefits, refusing to honor your claim by applying  
5 restrictions, et cetera, et cetera.

6 other than what you've already testified to  
7 today, do you have anything else to add to those as  
8 criticisms of State Farm, what they did or did not  
9 do?

10 A. Yes.

11 Q. Please explain.

12 A. On the second inspection, J.R. Phillips and his  
13 counterpart -- excuse me. I cannot remember his  
14 name.

15 Q. No problem.

16 A. Forgive me. They got on the roof and Meleah was,  
17 you know, talking to them about the roof situation,  
18 and it became very evident that their discussion on  
19 the roof, the second individual from State Farm - I  
20 cannot remember his name - was acting very  
21 inappropriate towards Meleah.

22 And I can hear him being just very rude and  
23 unprofessional, you know. I can hear him raising  
24 his voice, you know, and it was -- and it was  
25 very -- it seemed to me to be a good cop/bad cop

1 type of situation where J.R. can see where she --  
2 where Meleah would say this is hail damage and J.R.  
3 was like okay, but the other individual was like no,  
4 no, no, no, no, and I can hear him raising his voice  
5 and I -- and, you know, that -- that -- that --  
6 that -- that bothered me.

7 Q. Well, I have a question. I thought your earlier  
8 testimony was you had never met Meleah. Am I  
9 mistaken?

10 A. Yes, you are.

11 Q. Okay. You have met Meleah?

12 A. When she came to my house, yes.

13 Q. For the second inspection. You were there?

14 A. Yes.

15 Q. Okay. You hadn't met her before that point in  
16 time?

17 A. (Witness nods head up and down.)

18 Q. Okay. Now I'm following you.

19 A. Okay.

20 Q. Is that the first time you met her, is when she  
21 came to your inspection in person?

22 A. It seems like -- I recall that there was an  
23 initial -- she came over to look at the roof and --  
24 to, you know -- just to kind of get a -- you know,  
25 her own look at the roof.

1 Q. Are you saying she came over on a different day?

2 A. I believe so, if my memory ...

3 Q. And I don't want you to guess. If you don't  
4 remember something, that's okay. Just like you  
5 don't remember her name.

6 And then you said that you overheard them on  
7 the roof. Were you on the ground, I presume?

8 A. I was inside the house.

9 Q. And you could hear them on the roof having  
10 conversations?

11 A. Oh, yes.

12 Q. And you believe J.R. was agreeing with Ms. Meadows  
13 of hail to the roof and this other gentleman was  
14 saying no?

15 A. Yes.

16 Q. Have you read Mr. Phillips' deposition that was  
17 taken last week?

18 A. No.

19 Q. Have you had any discussions about his deposition?

20 A. No.

21 Q. Would it surprise you if he said that he didn't  
22 find hail damage?

23 A. That's his opinion.

24 Q. Well, would you think that he would lie under oath?

25 A. I have no idea.